

AMENDED IN SENATE MARCH 26, 2004

**SENATE BILL**

**No. 1163**

---

**Introduced by Senator Dunn**

February 2, 2004

---

An act to amend Section 798.38 of the Civil Code and Section 739.5 of the Public Utilities Code, relating to utilities.

LEGISLATIVE COUNSEL'S DIGEST

SB 1163, as amended, Dunn. Utilities.

(1) The existing Mobilehome Residency Law requires the management of a mobilehome park, when the management provides master-meter and submeter service of utilities to a homeowner, to separately state the cost of the charges for the period along with the opening and closing readings of the meter.

This bill would require that the statements described above be generally in accordance with the form and content of the bills that the utility, which serves the master-meter of the park, provides to its residential customers. The bill would also require the management to make specified disclosures if a ~~third-party~~ *3rd party* billing agent prepares utility billing for the park.

(2) Existing law requires that, when gas or electric service is provided by a master-meter customer to users who are tenants of a mobilehome park, apartment building, or similar residential complex, the master-meter customer charge each user at the same rate which would be applicable if the user were receiving gas or electricity directly from the gas or electric company. Existing law creates further requirements for master-meter customers and for the corporations which provide service to them.

This bill would require the Public Utilities Commission to accept and respond to complaints concerning the requirements described above through the ~~office of the public advisor~~ *consumer affairs branch*, in addition to any other staff that the commission deems necessary to assist the complainant.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 798.38 of the Civil Code is amended to  
2 read:

3 798.38. (a) Where the management provides both  
4 master-meter and submeter service of utilities to a homeowner, for  
5 each billing period the cost of the charges for the period shall be  
6 separately stated along with the opening and closing readings for  
7 his or her meter, generally in accordance with the form and content  
8 of the bills that the utility, which serves the master-meter of the  
9 park, provides to its residential customers. The management shall  
10 post in a conspicuous place, the prevailing residential utilities rate  
11 schedule as published by the serving utility.

12 (b) If a third-party billing agent or company prepares utility  
13 billing for the park, the management shall disclose on each  
14 resident's billing, the name, address, and telephone number of the  
15 billing agent or company.

16 SEC. 2. Section 739.5 of the Public Utilities Code is amended  
17 to read:

18 739.5. (a) The commission shall require that, whenever gas  
19 or electric service, or both, is provided by a master-meter customer  
20 to users who are tenants of a mobilehome park, apartment  
21 building, or similar residential complex, the master-meter  
22 customer shall charge each user of the service at the same rate  
23 which would be applicable if the user were receiving gas or  
24 electricity, or both, directly from the gas or electrical corporation.  
25 The commission shall require the corporation furnishing service  
26 to the master-meter customer to establish uniform rates for  
27 master-meter service at a level which will provide a sufficient  
28 differential to cover the reasonable average costs to master-meter  
29 customers of providing submeter service, except that these costs  
30 shall not exceed the average cost that the corporation would have



1 incurred in providing comparable services directly to the users of  
2 the service.

3 (b) Every master-meter customer of a gas or electrical  
4 corporation subject to subdivision (a) who, on or after January 1,  
5 1978, receives any rebate from the corporation shall distribute to,  
6 or credit to the account of, each current user served by the  
7 master-meter customer that portion of the rebate which the amount  
8 of gas or electricity, or both, consumed by the user during the last  
9 billing period bears to the total amount furnished by the  
10 corporation to the master-meter customer during that period.

11 (c) An electrical or gas corporation furnishing service to a  
12 master-meter customer shall furnish to each user of the service  
13 within a submetered system every public safety customer service  
14 which it provides beyond the meter to its other residential  
15 customers. The corporation shall furnish a list of those services to  
16 the master-meter customer who shall post the list in a conspicuous  
17 place accessible to all users. Every corporation shall provide these  
18 public safety customer services to each user of electrical or gas  
19 service under a submetered system without additional charge  
20 unless the corporation has included the average cost of these  
21 services in the rate differential provided to the master-meter  
22 customer on January 1, 1984, in which case the commission shall  
23 deduct the average cost of providing these public safety customer  
24 services when approving rate differentials for master-meter  
25 customers.

26 (d) Every master-meter customer is responsible for  
27 maintenance and repair of its submeter facilities beyond the  
28 master-meter, and nothing in this section requires an electrical or  
29 gas corporation to make repairs to or perform maintenance on the  
30 submeter system.

31 (e) Every master-meter customer shall provide an itemized  
32 billing of charges for electricity or gas, or both, to each individual  
33 user generally in accordance with the form and content of bills of  
34 the corporation to its residential customers, including, but not  
35 limited to, the opening and closing readings for the meter, and the  
36 identification of all rates and quantities attributable to each block  
37 in the applicable rate structure. The master-meter customer shall  
38 also post, in a conspicuous place, the applicable prevailing  
39 residential gas or electrical rate schedule, as published by the  
40 corporation.

1 (f) The commission shall require that every electrical and gas  
2 corporation shall notify each master-meter customer of its  
3 responsibilities to its users under this section.

4 (g) The commission shall accept and respond to complaints  
5 concerning the requirements of this section through the ~~office of~~  
6 ~~the public advisor~~ *consumer affairs branch*, in addition to any  
7 other staff that the commission deems necessary to assist the  
8 complainant.

